

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

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SEP 27 2004

PUBLIC SERVICE  
COMMISSION

IN THE MATTER OF THE JOINT APPLICATION )  
OF BERA COLLEGE AND THE CITY OF BERA ) Case No.  
FOR AND ORDER AUTHORIZING THE TRANSFER ) 2004-00331  
OF UTILITY ASSETS PURSUANT TO KRS 278.020 )

**THE ATTORNEY GENERAL'S REQUESTS FOR INFORMATION**

Comes now the intervenor, the Attorney General of the Commonwealth of Kentucky, by and through his Office of Rate Intervention, and submits these Requests for Information to Berea College and the City of Berea, to be answered by the date specified in the Commission's Order of Procedure, and in accord with the following:

- (1) In each case where a request seeks data provided in response to a staff request, reference to the appropriate request item will be deemed a satisfactory response.
- (2) Please identify the witness who will be prepared to answer questions concerning each request.
- (3) These requests shall be deemed continuing so as to require further and supplemental responses if the company receives or generates additional information within the scope of these requests between the time of the response and the time of any hearing conducted hereon.
- (4) If any request appears confusing, please request clarification directly from the Office of Attorney General.
- (5) To the extent that the specific document, workpaper or information as requested does not exist, but a similar document, workpaper or information does exist, provide the similar document, workpaper, or information.
- (6) To the extent that any request may be answered by way of a computer printout, please identify each variable contained in the printout which would not be self evident to a person not familiar with the printout.

(7) If the company has objections to any request on the grounds that the requested information is proprietary in nature, or for any other reason, please notify the Office of the Attorney General as soon as possible.

(8) For any document withheld on the basis of privilege, state the following: date; author; addressee; indicated or blind copies; all persons to whom distributed, shown, or explained; and, the nature and legal basis for the privilege asserted.

(9) In the event any document called for has been destroyed or transferred beyond the control of the company, please state: the identity of the person by whom it was destroyed or transferred, and the person authorizing the destruction or transfer; the time, place, and method of destruction or transfer; and, the reason(s) for its destruction or transfer. If destroyed or disposed of by operation of a retention policy, state the retention policy.

Respectfully Submitted,  
GREGORY D. STUMBO  
ATTORNEY GENERAL

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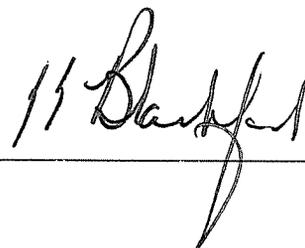
CERTIFICATE OF SERVICE AND NOTICE OF FILING

I hereby give notice that this the 27th day of September, 2004, I have filed the original and ten copies of the foregoing with the Executive Director of the Kentucky Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky, 40601 and certify that this same day I have served the parties by mailing a true copy of same, postage prepaid, to those listed below.

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A handwritten signature in cursive script, appearing to read "J. B. Wilson II", is written over a horizontal line.

Attorney General's Request for Information  
Case No. 2004-00331

1. In numeric paragraphs 17 and 18 of the Application, reference is made to the fact that the College will assign its rights in, to, and under the KU Contract set out in Exhibit P by way of an assignment set out in Exhibit Q. Exhibit P contains what appears to be three separate documents governing its agreement with KU; the contract for electric service executed in 1976 between KU and College (together with the supplemental agreements); the Electric Rate Schedule WPS-87 (M) dated October 1987, and the Rules, Regulations and Conditions Applicable to Wholesale for Retail Resale Electric Service which was issued October 23, 1986 to become effective February 24, 1987.

On the final page of the Contract executed in 1976 between KU and College, provision is made to allow the assignment of rights under the contract by College to a purchaser of its electric distribution system without the prior written consent of KU. Otherwise, the rights under the contract cannot be assigned without prior written permission from KU. On page 5 of 6 of the Rules, Regulations and Conditions Applicable to Wholesale for Retail Resale Electric Service, the assignment of the contract is precluded absent receipt of prior written consent of KU. No exception for the event of an assignment attendant to a bona fide sale of the electric distribution system is made. The Assignment provided in Exhibit Q makes no reference to receipt of prior written consent of KU.

A. Please provide a copy of page 6 of the Rules, Regulations and Conditions Applicable to Wholesale for Retail Resale Electric Service. This page appears to have been inadvertently omitted.

B. Has the prior written consent of KU been obtained for the assignment of that contract? If not, will it be obtained? If not, why not?